

REMARKS

This amendment is submitted following the telephonic interview with the Examiner held on January 6, 2005. Claims 35-65 are pending, and claims 35 and 36 have been amended. An Interview Summary, support for the claim amendments, and support for claims 43-65 (the method claims) are presented below.

I. Interview Summary.

Applicants wish to express their appreciation for the time and courtesy extended by the Examiner during the telephonic interview held on January 6, 2005 among the Examiner, Applicants' representatives Karen Magri and Lola Bartoszewicz, and Dr. Underhill. During the interview, the language "chondrogenic stimulator" in claim 35 was discussed. Applicants indicated that they would submit this amendment to amend claim 35 to recite the agents described on page 18 (line 32) to page 19 (line 10) of the specification. The method claims (claims 43-65) were also discussed. Applicants asserted that these claims do not require the use of a chondroinductive agent beyond the recited RAR antagonist. The Examiner requested that Applicants indicate the support in the specification for the claimed methods without any requirement for the additional chondroinductive agent recited in claim 35.

II. Amendment to Claim 35.

Claim 35 has been amended to recite:

- (c) a chondroinductive agent that promotes or stimulates cartilage formation and is selected from the group consisting of bone morphogenetic proteins, osteogenic proteins, cytokines, growth factors, and mixtures thereof

This claim language is supported by the application at page 18 (line 32) to page 19 (line 10), which specifically describes the recited chondroinductive agents

that can be used in combination with the RAR antagonist. Applicants submit that this claim amendment presents no new matter and respectfully request entry thereof.

As discussed during the telephonic interview, claim 35 now recites the chondroinductive agents described in the specification. Accordingly, Applicants submit that claim 35, and dependent claims 36-42, are in condition for allowance.

III. Claims 43-65 are Patentable.

During the telephonic interview, the Examiner requested that the Applicants indicate in this response where support can be found in the specification for the claimed methods without any requirement that the chondroinductive agent recited in claim 35 is present.

First, Applicants note that the claims as originally filed did not recite the presence of the chondroinductive agent.

Further, in the Summary of the Invention (page 2, lines 13-19), it is stated:

It has now been demonstrated that RAR activity alone has a fundamental role in controlling the transition of chondroprogenitor cells into chondrocytes. It has also now been demonstrated that administration of RAR antagonists can initiate chondrogenesis and stimulate cartilage formation *in vitro* and *in vivo*. Furthermore, it is now also demonstrated that administration of a RAR antagonist can rescue cartilage formation. This provides a basis for the development of therapeutic compositions and uses of such compositions to treat disorders involving abnormal cartilage formation.

Thus, it is clear that the claimed methods do not require use of a chondroinductive agent in addition to an RAR antagonist. Indeed, the specification does not discuss inclusion of additional chondroinductive agents until page 18 (line 32) to page 19 (line 10). The RAR antagonist is a stimulator of chondrogenesis, claim 35 now recites an additional chondroinductive agent. Combination of the RAR antagonist with an additional chondroinductive agent is not a required feature of the claimed methods.

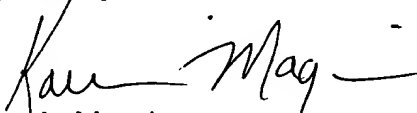
In re: Underhill et al.
Serial No.: 09/856,324
Filed: August 23, 2001
Atty. Dkt. 3477-92
Page 9 of 9

In view of the foregoing discussion, Applicants submit that method claims 43-65 are in condition for allowance.

IV. Conclusion.

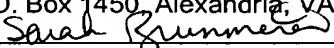
In view of the foregoing amendments and remarks, the Applicants respectfully request that a Notice of Allowance be issued. The Examiner is invited and encouraged to contact the undersigned directly if such contact will expedite the prosecution of the pending claims to issue. In any event, any questions that the Examiner may have should be directed to the undersigned, who may be reached at (919) 854-1400.

Respectfully submitted,


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